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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,740	10/30/2001	Gregory C. Kime	42390P12158	5450
8791	7590	08/19/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			STRANGE, AARON N	
		ART UNIT		PAPER NUMBER
				2153

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/016,740	KIME ET AL.	
	Examiner Aaron Strange	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 31-36,39-46,48-53 and 58-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 31-36,39-46,48-53 and 58-60 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Cancellation of claims 37-38, 47, and 54-57 is noted. Claims 31-36, 39-46, 48-53, and 58-60 remain pending.

### ***Response to Arguments***

2. Applicant's arguments filed 5/23/2005 have been fully considered but they are not persuasive.
3. With regard to claim 31, and Applicant's assertion that "Rajasekharan does not teach or reasonably suggest generating a validation key associated with the data stream, the validation key to map the data stream with a source" (Page 9, Lines 9-11 of Remarks), the Examiner respectfully disagrees. Rajasekharan clearly discloses that that a validation key (source indicator) is included in the authorization data. The source indicator corresponds to the source of the authorization data (Col 5, Lines 28-29), which may be the same as the source of the digital content (Col 4, Lines 8-9 and 52-54). The system uses the source indicator to validate the authority of the data source and determine if the data stream/authentication information are received from an authorized source (Col 4, Lines 25-28).
4. Applicant has failed to provide any arguments for claims other than 31, except to state that the independent claims "contain limitations similar to those of claim 31" or

depend from an independent claim. Therefore, Applicant's arguments with respect to claims 32-36, 39-46, 48-53, and 58-60 are not persuasive for the reasons discussed above with regard to claim 31.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-36,39-41,44-46, 48-51, and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan et al. (US 6,480,961) in view of Xie et al. (US 6,606,393).

7. With regard to claim 31, Rajasekharan discloses a method for validating a data stream comprising: generating a validation key associated with the data stream (source indicator), said validation key to map the data stream with a source (Col 5, Lines 28-38); generating the data stream (data stream is sent)(Col 4, Lines 51-55); storing the validation key (authorization data is stored at server)(Col 4, Lines 8-12); and sending the validation key (authorization data is sent to client)(Col 4, Line 6) and data stream (Col 4, Lines 51-55) to a destination (client). Rajasekharan fails to disclose embedding the validation key in the data stream to form a validation key embedded data stream.

Xie discloses several methods of authenticating digital messages that are old and well known in the art. Xie further discloses that embedding validation information within the digital stream is advantageous since removal of embedded information may destroy or alter the content. This provides better security than sending the validation data outside of the data stream (Col 1, Lines 27-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to embed the validation key in the data stream to form a validation key embedded data stream since it would have provided enhanced security since embedded validation keys would be much more difficult to remove from the data stream without corrupting it, ensuring that the source could be validated.

8. With regard to claim 32, Rajasekharan further discloses that the source is any one of a source of audio information, video information, audio-video information and a uniform resource locator (URL) (Col 4, Lines 1-2).

9. With regard to claim 33, Rajasekharan further discloses that generating the validation key associated with the data stream comprises generating the validation key in response to a request for data to be retrieved from the uniform resource locator. Since the source of the validation key is a server computer accessed via the Internet (Col 4, Lines 6-9), it must be accessed via a URL prior to sending the authorization data to the client.

10. With regard to claim 34, Rajasekharan further discloses that generating the validation key associated with the data stream, said validation key to map the data stream with a source, comprises: generating the validation key (Col 5, Lines 28-38) and sending the validation key to the destination (Col 4, Line 6).

11. With regard to claim 35, Rajasekharan further discloses that the data stream comprises any one of encoded video information, encoded audio information, encoded audio-video information, and encoded information from the URL (Col 4, Lines 1-2).

12. With regard to claim 36, Rajasekharan further discloses receiving the validation key at the destination (Col 4, Line 6); sampling the validation key embedded data stream at the destination to detect the validation key; and validating the validation key embedded data stream in response to detecting the validation key in the validation key embedded data stream (validation key is detected and checked) (Col 4, Lines 24-28).

13. With regard to claim 39, Rajasekharan discloses receiving a validation key associated with the data stream (Col 4, Line 4), the validation key to map the data stream with a source (Col 5, Lines 28-38); receiving the data stream (Col 4, Lines 51-52); detecting the validation key and validating the data stream in response to detecting the validation key (key is detected and checked)(Col 4, Lines 24-28). The validation key must be stored since the client receives it and analyzes it. Rajasekharan fails to disclose that the validation key is embedded in the data stream.

Xie discloses several methods of authenticating digital messages that are old and well known in the art. Xie further discloses that embedding validation information within the digital stream is advantageous since removal of embedded information may destroy or alter the content. This provides better security than sending the validation data outside of the data stream (Col 1, Lines 27-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to embed the validation key in the data stream since it would have provided enhanced security since embedded validation keys would be much more difficult to remove from the data stream without corrupting it, ensuring that the source could be validated.

14. With regard to claim 40, Rajasekharan further discloses that the source is any one of a source of audio information, a source of video information, a source of audio-video information and a uniform resource locator (URL) (Col 4, Lines 1-2).

15. With regard to claim 41, Rajasekharan further discloses requesting data to be retrieved from the uniform resource locator (URL). Since the source of the validation key is a server computer accessed via the Internet (Col 4, Lines 6-9), it must be accessed via a URL prior to sending the authorization data to the client.

16. Claims 42,43,52,53, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable Rajasekharan et al. (US 6,480,961) in view of Xie et al. (US 6,606,393) in further view of Willis, Jr. et al. (US 6,738,815).

17. With regard to claims 42,43,52, and 53, while the system disclosed by Rajasekharan in view of Xie shows substantial features of the claimed invention (discussed above), it fails to disclose generating an error if the validation key is not detected in the data stream or writing the error to a log file. Rajasekharan does disclose checking the validation key to determine if the source is an authorized source (Col 4, Lines 24-28). Xie discloses that removing embedded validation keys may destroy or at least damage the underlying data (Xie, Col 1, Lines 36-36)

Willis, Jr. teaches the creation of a log file at a client and writing errors to the log file when they occur (Col 6, Lines 44-50). Willis, Jr. further discloses that the logs can be uploaded to a server as well (Col 6, Lines 49-50). This would have been an advantageous addition to the system disclosed by Rajasekharan in view of Xie since generating an error and storing it in a log file would have allowed the server, client, and/or users to be notified that the validation key was not found, and that the data may be invalid.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate an error and write it to a log file if the validation data is not detected in the data stream. This would have allowed the server, client,

and/or users to be notified that the validation keys were not found and that the data may be invalid.

18. Claims 44-46 and 48 are rejected for the same reasons cited above regarding claims 31,32,35, and 33, respectively, since they recite substantially identical subject matter. A database is required in order to store the validation key at the server, and is therefore inherent. A processor and memory are inherent components of both the server and client devices since they are computers.

19. Claims 49 and 50 are rejected for the same reasons cited above regarding claims 31 and 32, respectively, since they recite substantially identical subject matter. A bus, processor, and memory containing instructions are inherent components of both the server and client devices since they are computers.

20. With regard to claim 49, Rajasekharan discloses a system comprising: a key generation module (KGM) to generate a validation key associated with a data stream (source indicator), the validation key to map the data stream with a source (Col 5, Lines 28-38); a client to receive the validation key and data stream (Col 4, Line 6); and a database couples with the client to store the validation key (client stores validation key to perform periodic checks) (Col 4, Line 65 to Col 5, Line 3). Rajasekharan fails to disclose embedding the validation key in the data stream to form a validation key embedded data stream

Xie discloses several methods of authenticating digital messages that are old and well known in the art. Xie further discloses that embedding validation information within the digital stream is advantageous since removal of embedded information may destroy or alter the content. This provides better security than sending the validation data outside of the data stream (Col 1, Lines 27-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to embed the validation key in the data stream to form a validation key embedded data stream since it would have provided enhanced security since embedded validation keys would be much more difficult to remove from the data stream without corrupting it, ensuring that the source could be validated.

21. With regard to claim 50, Rajasekharan further discloses that the source is any one of a source of audio information, video information, audio-video information and a uniform resource locator (URL) (Col 4, Lines 1-2).

22. With regard to claim 51, Rajasekharan further discloses that the client requests data to be retrieved from the URL. Since the source of the data is a server computer accessed via the Internet (Col 4, Lines 6-9), it must be accessed via a URL prior to sending the data stream to the client.

23. Claims 58 and 60 are rejected for the same reasons cited above regarding claims 31 and 35, respectively, since they recite substantially identical subject matter. A

machine-readable medium containing instructions to perform the methods is inherent in the system disclosed by Rajasekharan since the system is implemented using computers.

24. With regard to claim 59, Rajasekharan further discloses sampling the data stream to detect the validation key embedded in the data stream (Col 4, Lines 24-28).

***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS  
8/10/2005



Dung C. Dinh  
Primary Examiner